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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NEURAUTER, GEORGE C

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,440

Applicant(s)

DAUM ET AL.

Examiner

George C. Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-5 and 7-31 are currently presented and have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 August 2006 has been entered.

Response to Arguments

Applicant's arguments filed 17 August 2006 have been fully considered but they are not persuasive.

The Applicant continues to argue that the combined teachings of Koether and Andruzzi do not disclose the claimed invention, specifically servicing an appliance, via a diagnostic interface, by adjusting a characteristic of an appliance. The Examiner is not persuaded by these remarks and maintains the views previously presented.

As admitted by the Applicant, Koether specifically discloses:

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"Each kitchen base station may interrogate the appliance or the appliance may request to transmit diagnostic information relating to the operating conditions thereof, which diagnostic information may be immediately communicated to the control center. The control center may take action as appropriate, including, among others, downloading updated, operating and/or diagnostic software to the appliance, dispatching a service vehicle, or updating accounting and inventory information. Most of the functions are automatically controlled by the control center, but may be also performed manually by a control center operator. Alternatively, some of these functions may be distributed to the base stations, such, as in a distributed architecture network." (column 2, lines 23-36)

"Associated with and located within each of cells 105 (C.sub.1 -C.sub.6) is one or more kitchen or restaurant appliances 110 (A.sub.1 -A.sub.11) under subscription to the services of the system. Each kitchen appliance 110 (A.sub.1 - A.sub.11) is preferably provided with a RF transmitter 120, RF receiver 130 and microprocessor based controller 140 as illustrated in FIG. 2." (column 4, lines 22-28)

"Each kitchen base station 150 (B.sub.1 -B.sub.6) may interrogate a corresponding controller 140 or controller 140 may request to transmit diagnostic information relating to the

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operating conditions of kitchen appliances 110 (A.sub.1 - A.sub.11), which diagnostic information may be immediately communicated to control center 170. It is contemplated that this diagnostic information may also be stored in internally resident databases of the kitchen base stations. Control center 170 may take action as appropriate, including, among other things, downloading updated diagnostic software to controller 140, dispatching a service vehicle 195 through a mobile kitchen center 200, or updating accounting and inventory information, which is discussed in more detail herein below. Most of the functions are automatically controlled by control center 170, but may be also performed manually by the control center operator. If desired, some of these functions may be distributed to the base stations." (column 5, line 60-column 6, line 9)

"Those skilled in the art will readily note that much of the equipment used by appliances 110 to effect cellular communication may also be used by kitchen base stations 150 and mobile kitchen center 200. Accordingly, for the sake of simplicity, that equipment will not be discussed herein. There is, however, one important difference. Kitchen base stations 150, unlike appliances 110, are preferably connected to control center 170 through high speed communication links of data network 180. Also, kitchen base stations 150 each includes a

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microprocessor 167 that controls the activities of the base station and communication among the appliances and the kitchen base stations. Decisions are made by the microprocessor in accordance with data received from control center 170. The microprocessor is also provided with terminal keyboard and display unit 155 that allows a user to exchange information with appliances 110 as well as with control center 170." (column 7, lines 45-62)

In view of these teachings, Koether expressly discloses a diagnostic interface or "base station" within a "cell" that includes a "display unit 155 that allows a user to exchange information with appliances 110" wherein "Each kitchen base station may interrogate the appliance...to transmit diagnostic information relating to the operating conditions thereof". Koether further teaches that a "control center may take action as appropriate, including, among others, downloading updated, operating and/or diagnostic software to the appliance, dispatching a service vehicle, or updating accounting and inventory information." wherein "some of these functions may be distributed to the base stations". Therefore, Koether clearly teaches an embodiment wherein the functions of a "control center" are embodied within the diagnostic interface which includes at least downloading updated, operating and/or

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diagnostic software to the appliance in which diagnostic information, as taught in Koether, "may also be stored in internally resident databases of the kitchen base stations". Therefore, Koether does disclose servicing an appliance, via a diagnostic interface, by adjusting a characteristic of an appliance or "downloading updated, operating and/or diagnostic software to the appliance" via the "base station" "display unit" as shown within Koether and as admitted by the Applicant in accordance with the broadest reasonable interpretation of the claim as required by MPEP 2111. The Examiner reemphasizes that the claims does specifically claim which appliance characteristic is adjusted and/or how the method of adjusting occurs. Therefore, Koether does disclose these limitations.

The Applicant also repeats the argument that there is no motivation to combine the teachings of Koether and Andruzzi. As shown previously by the Examiner, Andruzzi discloses that a power line carrier system using modems enables bi-directional data to be communicated within a building via a power line carrier to various devices including appliances within a local area network (column 2, lines 50-64). In view of these specific advantages and that both references are directed to providing communication systems for appliances, one of ordinary skill would have been motivated to combine these references and would

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have considered them to be analogous to one another based on their related fields of endeavor. Since both references are directed to providing communication systems for appliances, one of ordinary skill in the art would have reasonably expected a successful combination of these teachings. Also, it is noted that it is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose, the idea of combining them flows logically from their having been individually taught in the prior art. See MPEP 2144.06 and *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). Since both references are directed to the useful purpose of providing communication systems for appliances, the combined composition of these references for the purpose of providing communication systems for appliances would have been obvious to one of ordinary skill in the art.

Therefore, the combined teachings of Koether and Andruzzi teach the claimed invention and the claims are not in condition for allowance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-5 and 7-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5 875 430 A to Koether in view of US Patent 4 580 276 to Andruzzi et al.

Regarding claim 1, Koether discloses a method of performing service diagnostics on appliances, the method comprising:

connecting a diagnostic interface (referred to throughout the reference as "base station") within a building housing an appliance to a local area appliance network (referred to throughout the reference as "cell"), wherein the diagnostic interface includes a display; (column 5, lines 3-19; column 7, lines 45-62, specifically lines 59-62)

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accessing the appliance in the local area appliance network and performing a service diagnosis of the appliance through the diagnostic interface over the local area appliance network using service functions in the appliance; (column 5, line 60-column 6, line 9)

implementing the diagnostic interface within a single device including the display and a processing circuitry generating service commands to perform the service diagnosis; and servicing, by the diagnostic interface, the appliance, said servicing comprising at least one of adjusting a characteristic of the appliance and displaying to a technician the service diagnosis. (column 2, lines 23-36 and 54-59, specifically lines 34-36; column 5, line 60-column 6, line 9; column 7, lines 45-62, specifically lines 54-62)

Koether does not expressly disclose wherein the diagnostic interface includes a power line carrier modem within the diagnostic interface, Koether does disclose a communication means within the diagnostic interface that may be used in a RF, wired, microwave, satellite, or infrared network (column 5, lines 3-19, specifically lines 5-8 and 11-13)

Andruzzi discloses a power line carrier modem configured to modulate data to communicate the data over an alternating current (AC) power line. (column 2, line 44-column 3, line 17,

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specifically column 2, lines 54-60 and column 2, line 65-column 3, line 17; column 4, line 59-column 5, line 19, specifically column 5, lines 2-12; column 5, line 55-column 6, line 17, specifically column 5, lines 55-67; column 9, line 33-59, specifically column 9, lines 56-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Andruzzi discloses that a power line carrier system using modems enables bi-directional data to be communicated within a building via a power line carrier to various devices including appliances within a local area network (column 2, lines 50-64). In view of these specific advantages and that both references are directed to providing communication systems for appliances, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor.

Regarding claim 2, Koether and Andruzzi disclose the method of claim 1.

Koether does not disclose wherein the local area appliance network comprises a power line carrier system, however, Koether does disclose that the local area appliance network may be

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implemented via a RF, wired, microwave, satellite, or infrared network (column 5, lines 3-19)

Andruzzi discloses wherein the local area appliance network comprises a power line carrier system. (column 2, line 44-64).

Claim 2 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 1.

Regarding claim 3, Koether and Andruzzi disclose the method of claim 1.

Koether wherein accessing further comprises accessing a dedicated appliance controller in an appliance. (Figure 1, element 140; column 4, line 23-column 5, line 2)

Regarding claim 4, Koether and Andruzzi disclose the method of claim 1.

Koether discloses wherein the service functions comprise safety functions, parameter functions, and appliance status functions. (column 9, lines 3-60, specifically "Type of malfunction")

Regarding claim 5, Koether and Andruzzi disclose the method of claim 1.

Koether discloses wherein the method is further comprising implementing said diagnostic interface in a computer. (Figure 2, element 155; column 5, line 60-column 6, line 9; column 7, lines

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54-62) (see also Figure 8, element 810; column 10, line 1, column 11, line 29)

Regarding claim 7, and Andruzzi disclose the method of claim 1.

Koether discloses wherein the method is further comprising connecting to a remote system to retrieve service diagnostic information. (column 5, line 60-column 6, line 9, specifically column 5, line 67-column 6, line 5)

Regarding claim 8, and Andruzzi disclose the method of claim 1.

Koether discloses wherein performing service diagnosis includes diagnosing and servicing the appliance based on the appliance diagnosis. (Figure 7, element 735; column 9, lines 44-60)

Regarding claim 9, Koether and Andruzzi disclose the method of claim 8.

Koether discloses wherein servicing the appliance comprises patching appliance firmware. (column 5, line 60-column 6, line 9, specifically column 6, line 2)

Regarding claim 10, Koether and Andruzzi disclose the method of claim 8.

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Koether discloses wherein servicing the appliance comprises adjusting appliance parameters. (column 9, lines 44-60, specifically "modify the cooking profiles")

Regarding claim 11, Koether and Andruzzi disclose the method of claim 1.

Koether discloses the method is further comprising maintaining an external database (Figure 1, element 190) of appliance information based on diagnosis of the appliance. (column 5, lines 50-59; column 9, lines 3-60)

Regarding claim 12, Koether discloses a diagnostic interface ("base station"; Figure 1, element 150) for performing service diagnostics on appliances (column 5, line 60-column 6, line 9), the diagnostic interface comprising:

a display for viewing diagnostic and service information; (column 7, lines 45-62, specifically lines 59-62)

processing circuitry for generating service commands for an appliance; (column 7, lines 45-62, specifically lines 54-57)

said diagnostic interface implemented within a single device including said display and said processing circuitry generating the service commands to service the appliance, wherein said diagnostic interface configured to service the appliance by at least one of adjusting a characteristic of the appliance and displaying to a technician the appliance

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diagnostic results. (column 2, lines 23-36 and 54-59, specifically lines 34-36; column 5, line 60-column 6, line 9; column 7, lines 45-62, specifically lines 54-62)

Koether does not expressly disclose a power line carrier communication interface configured to be connected to a local area appliance network within a building housing the appliance, wherein said power line carrier communication interface facilitates transmitting the service commands to the appliance and receiving appliance diagnostic results on a power line carrier communication system, and said diagnostic interface implemented within a single device including a power line communication interface, however, Koether does disclose a wired communication interface within the diagnostic interface to accomplish these limitations (column 5, lines 3-19, specifically lines 5-8 and 11-13). Koether also discloses that RF, microwave, satellite, or infrared communication interfaces may also be used. (column 5, lines 13-19)

Andruzzi discloses a power line carrier interface configured to modulate data to communicate the data over an alternating current (AC) power line. (column 2, line 44-column 3, line 17, specifically column 2, lines 54-60 and column 2, line 65-column 3, line 17; column 4, line 59-column 5, line 19, specifically column 5, lines 2-12; column 5, line 55-column 6,

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line 17, specifically column 5, lines 55-67; column 9, line 33-59, specifically column 9, lines 56-59).

Claim 12 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 12.

Regarding claim 13, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the diagnostic interface is further comprising an appliance bus interface ("wireless means") for communicating with the appliance. (column 5, lines 3-19)

Regarding claim 14, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the diagnostic interface is further comprising a remote service center interface. (Figure 1, element 175; column 5, lines 37-49)

Regarding claim 15, Koether and Andruzzi disclose the diagnostic interface of claim 14.

Koether discloses wherein the diagnostic interface gathers appliance statistics to send to a remote service center over the remote service center interface. (column 5, line 60-column 6, line 9)

Regarding claim 16, Koether and Andruzzi disclose the diagnostic interface of claim 12.

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Koether discloses wherein the diagnostic interface is further comprising a user interface to facilitate service diagnostics. (column 7, lines 45-62, specifically lines 59-62)

Regarding claim 17, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the appliance comprises a refrigerator. (column 4, lines 23-36, specifically lines 32-36)

Regarding claim 18, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the appliance comprises an oven. (column 4, lines 23-36, specifically lines 32-36)

Regarding claim 19, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the appliance comprises a heating system. (column 4, lines 23-36, specifically lines 32-36)

Regarding claim 20, Koether and Andruzzi disclose the diagnostic interface of claim 12.

Koether discloses wherein the appliance comprises a cooling system. (column 4, lines 23-36, specifically lines 32-36)

Regarding claim 21, Koether and Andruzzi disclose the diagnostic interface of claim 12.

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Koether discloses wherein the appliance comprises a lighting system. (column 4, lines 23-36, specifically lines 32-36)

Regarding claim 22, Koether discloses a diagnostic system for provide access to service diagnostics on an appliance, the system comprising:

a local area appliance network ("cell") coupled to the appliance; (column 5, lines 3-36)

a diagnostic interface configured to be connected to said local area appliance network within a building housing the appliance, said diagnostic interface comprising a display, wherein said diagnostic interface facilitates accepting service destined for the appliance, the diagnostics interface implemented within a single device including a display device and a microprocessor configured to generate the diagnostics commands; ("base station"; Figure 1, element 150; column 5, lines 3-19; column 5, line 60-column 6, line 9; column 7, lines 45-62, specifically lines 54-62; column 7, lines 45-62, specifically lines 59-62) and a dedicated appliance controller for receiving and executing the diagnostics commands (Figure 1, element 140; column 4, line 23-column 5, line 2), wherein said diagnostic interface configured to service the appliance by at least one of adjusting a characteristic of the appliance and

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displaying to a technician the diagnostics commands (column 2, lines 23-36 and 54-59, specifically lines 34-36; column 5, line 60-column 6, line 9; column 7, lines 45-62, specifically lines 54-62).

Koether does not disclose wherein the diagnostics interface includes a power line carrier modem within the diagnostic interface, Koether does disclose a communication means within the diagnostic interface that may be used in a RF, wired, microwave, satellite, or infrared network (column 5, lines 3-19, specifically lines 5-8 and 11-13)

Andruzzi discloses a power line carrier modem configured to modulate data to communicate the data over an alternating current (AC) power line. (column 2, line 44-column 3, line 17, specifically column 2, lines 54-60 and column 2, line 65-column 3, line 17; column 4, line 59-column 5, line 19, specifically column 5, lines 2-12; column 5, line 55-column 6, line 17, specifically column 5, lines 55-67; column 9, line 33-59, specifically column 9, lines 56-59).

Claim 22 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 22.

Claim 23 is rejected since claim 23 recites a system that contains substantially the same limitations as claim 2.

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Regarding claim 24, Koether and Andruzzi disclose the system of claim 22.

Koether discloses wherein the diagnostics interface comprises a computer. (Figure 2, element 155; column 7, lines 45-62, specifically lines 59-62)

Regarding claim 25, Koether and Andruzzi disclose the system of claim 22.

Koether discloses wherein the diagnostics interface comprises a PC card interface and an appliance bus interface. (column 10, lines 1-22)

Regarding claim 26, Koether and Andruzzi disclose the system of claim 22.

Koether discloses wherein the system is further comprising a communications interface between the local area appliance network and the dedicated appliance controller. (column 5, lines 3-36)

Regarding claim 27, Koether and Andruzzi disclose the system of claim 22.

Koether discloses wherein the system is further comprising a remote system, the remote system connectable to the diagnostic interface via an Internet connection. (column 5, lines 37-49)

Regarding claim 28, Koether and Andruzzi disclose the system of claim 22.

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Koether discloses wherein the dedicated appliance controller is contained within the appliance. (Figure 1, element 140; column 4, line 23-column 5, line 2)

Regarding claim 29, Koether discloses the system of claim 22.

Koether does not expressly disclose wherein the diagnostic interface comprises a power line carrier modem which allows the diagnostic interface to communicate with an appliance via a power line carrier system, however, Koether does disclose that the local area appliance network may be implemented via a RF, wired, microwave, satellite, or infrared network (column 5, lines 3-19)

Andruzzi discloses wherein the local area appliance network comprises a power line carrier system configured to modulate data to communicate the data over an alternating current (AC) power line. (column 2, line 44-column 3, line 17, specifically column 2, lines 54-60 and column 2, line 65-column 3, line 17; column 4, line 59-column 5, line 19, specifically column 5, lines 2-12; column 5, line 55-column 6, line 17, specifically column 5, lines 55-67; column 9, line 33-59, specifically column 9, lines 56-59).

Claim 29 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 29.

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Regarding claim 30, Koether and Andruzzi disclose the method of claim 1.

Koether discloses wherein adjusting the characteristic comprises changing, by the diagnostic interface, the characteristic of a home appliance. (column 2, lines 23-36, specifically lines 34-36; column 5, line 60-column 6, line 9; column 7, lines 45-62, specifically lines 54-62)

Koether does not expressly disclose wherein the diagnostic interface includes a power line carrier modem within the diagnostic interface, Koether does disclose a communication means within the diagnostic interface that may be used in a RF, wired, microwave, satellite, or infrared network (column 5, lines 3-19, specifically lines 5-8 and 11-13)

Andruzzi discloses a power line carrier modem configured to modulate data to communicate the data over an alternating current (AC) power line. (column 2, line 44-column 3, line 17, specifically column 2, lines 54-60 and column 2, line 65-column 3, line 17; column 4, line 59-column 5, line 19, specifically column 5, lines 2-12; column 5, line 55-column 6, line 17, specifically column 5, lines 55-67; column 9, line 33-59, specifically column 9, lines 56-59).

Claim 30 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 30.

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Regarding claim 31, Koether and Andruzzi disclose the method of claim 1.

Koether does not expressly disclose translating, by the power line carrier modem, between an appliance protocol of the appliance and a power line carrier protocol, however, Koether does disclose wherein the diagnostic interface communicates with appliances bidirectionally through the use of transceiver modem means and that the diagnostic interface is able to interpret data sent from the appliance (column 5, lines 3-35 and 60-65).

Andruzzi discloses the power line carrier modem as shown above regarding claim 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to translate, by the power line carrier modem, between an appliance protocol of the appliance and a power line carrier protocol since Koether expressly discloses that the transceiver modem is able to receive data sent from an appliance and interpret this data on the diagnostic interface. Therefore, one of ordinary skill in the art would recognize that translation of protocols between the data that is sent from the appliance to the diagnostic interface and the transceiver modem means would occur if the diagnostic interface can read data from the transceiver modem and therefore would have found it obvious that translation

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between protocols occurs in view of the disclosures of Koether. It further would have been obvious to use a power line carrier modem in place of the transceiver modem means disclosed in Koether since, as shown above regarding claim 1, Koether suggests that means within the diagnostic interface that may be used in a RF, wired, microwave, satellite, or infrared network and Andruzzi discloses that a power line carrier system using modems enables bi-directional data to be communicated within a building via a power line carrier to various devices including appliances within a local area network. In view these disclosures within Koether and Andruzzi and that both references are directed to providing communication systems for appliances, one of ordinary skill would have been motivated to combine these references in order to achieve the claimed invention and would have considered them to be analogous to one another based on their related fields of endeavor.

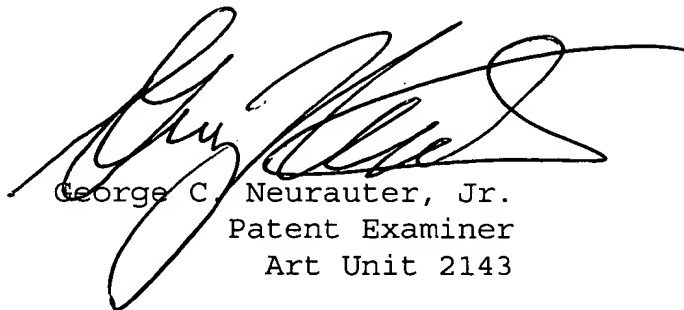
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



George C. Neurauter, Jr.
Patent Examiner
Art Unit 2143